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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,888	12/17/2003	Greg Wilbur	10360-106001 / 16551ROUS0	9713

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EXAMINER	
SAEED, USMAAN	
ART UNIT	**PAPER NUMBER**
2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/739,888	WILBUR ET AL.	
	Examiner	Art Unit	
	Usmaan Saeed	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt of Applicant's Amendment, filed on 10/05/2006 is acknowledged. Claims 2, 11-22 have been amended.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-16 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an environment or machine which would result in a practical application producing a concrete useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 11-16 are rejected because applicant's disclosure discloses both tangible (e.g., in a machine-readable storage device) and non-tangible (e.g., a propagated signal) embodiments. Therefore the computer readable medium as amended could be both tangible (e.g., in a machine-readable storage device) and non-tangible (e.g., a propagated signal) mediums. Examiner suggests

changing the "computer readable medium" to "computer readable storage medium."

The amendments to claims 17-22 were received and are acceptable.

To expedite a complete examination of the instant application the claims rejected under U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 11, 13-14, 17 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Nixon et al.** (**Nixon** hereinafter) (US PGPub No. 2003/0004952).

With respect to claim 1, **Nixon** teaches **a method comprising:**

"receiving user-input configuration changes to a configuration file" as the configuration application may also enable a user to add new devices, software elements or other elements to the system, provide new communications between devices within the system, change already existing elements within the system, etc. to thereby reconfigure the process control system 10 (**Nixon** Paragraph 0033).

"tracking the configuration changes in multiple independent edit views" as user at a site or zone are more likely to view, use and change the configuration data of that site or zone rather than of a different site or zone (**Nixon** Paragraph 0067). Figure 4 displays the briefcase databases 142 at a local site or zone. Examiner interprets the briefcase databases as multiple independent views having configuration changes at that independent/local site.

"updating an active edit view to include configuration changes of a single independent edit view" as changed data can be uploaded to the master configuration database 30 via the communication link 16 to assure that other users have access to the changed data via the master configuration database 30 (**Nixon** Paragraph 0040). Examiner interprets that configuration/master database is same as active edit view since active edit view is stored in configuration/master database to store the changes. The changed data is being uploaded from the changes made in the briefcase database.

"updating a configuration database that stores the configuration file, according to the configuration changes in the active edit view" as changed data can be uploaded to the master configuration database 30 via the

communication link 16 to assure that other users have access to the changed data via the master configuration database 30 (**Nixon** Paragraph 0040).

Claims 11 and 17 are same as claim 1 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

With respect to claim 3, **Nixon** teaches **"the method of claim 1 further comprising updating other independent edit views based on changes in the active edit view"** as in an event, the different sites 135 and 136 download some or all of the same configuration information from the master configuration database 132 to the briefcase databases 142. However, the users at the different remote sites 135 and 136 may reserve separate items to be changed (**Nixon** Paragraph 0054).

Claims 13 and 19 are same as claim 3 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

With respect to claim 4, **Nixon** teaches **"the method of claim 1 further comprising generating a list of changes to the configuration file in the configuration database based on the updating of the configuration database"** as the notify thread 220 detects changes made in the database 203

and, in particular, detects changes made to the data stores 210 and 212 for which lightweights have been created by checking the status of a change list 244 kept within the database 203 (**Nixon** Paragraph 0098).

Claims 14 and 20 are same as claim 4 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5-10, 15-16 and 21-22 are rejected under 35 U.S.C 103(a) as being unpatentable over **Nixon et al.** (US PGPub No. 2003/0004952) as applied to claims 1, 3-4, 11, 13-14, 17 and 19-20 above in view of **Souder et al.** (**Souder** hereinafter) (U.S. Patent No. 6,889,231).

With respect to claim 5 & 6 **Nixon** does not explicitly teach **"the method of claim 4 further comprising identifying a conflict between an independent edit view and the list of changes" and "the method of claim 5 wherein a conflict includes a modification to an element included in both the list of changes and the independent edit view."**

However, **Souder** discloses **"the method of claim 4 further comprising identifying a conflict between an independent edit view and the list of changes" and "the method of claim 5 wherein a conflict includes a modification to an element included in both the list of changes and the independent edit view"** as typically, a conflict results when the same row in the source database and destination database is changed at approximately the same time (**Souder** Col 13, Lines 34-36). Examiner interprets source database as an independent view and the destination database as containing list of changes. Therefore the reference teaches that the conflicts are caused by a

modification/change to both source database/independent view and destination database/list of changes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

Claims 15 and 21 are same as claim 5 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

With respect to claim 7, **Nixon** does not explicitly teaches **"the method of claim 5 further comprising resolving the conflict between the independent edit view and the list of changes."**

However, **Souder** discloses **"the method of claim 5 further comprising resolving the conflict between the independent edit view and the list of changes"** as using these prebuilt handlers, users can define a conflict resolution system for each of the user's databases that resolves conflicts in accordance with user-specified business rules (**Souder** Col 13, Lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between

two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

Claims 16 and 22 are same as claim 7 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

With respect to claim 8, **Nixon** teaches **"updating the independent edit view based on the active edit view such that the independent edit view includes the changes to the configuration database"** as in an event, the different sites 135 and 136 download some or all of the same configuration information from the master configuration database 132 to the briefcase databases 142. However, the users at the different remote sites 135 and 136 may reserve separate items to be changed (**Nixon** Paragraph 0054).

Nixon teaches the elements of claim 8 as noted above but does not explicitly disclose the step of **"resolving the conflicts."**

However, **Souder** discloses **"resolving the conflicts"** as using these prebuilt handlers, users can define a conflict resolution system for each of the user's databases that resolves conflicts in accordance with user-specified business rules (**Souder** Col 13, Lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between

two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

With respect to claim 9, **Nixon** teaches **"applying a different independent edit view to the active edit view"** as fig. 6 is able to access the configuration data stored in any of the different configuration databases to produce a view of the current configuration (**Nixon** Paragraph 0067).

Nixon teaches the elements of claim 9 as noted above but does not explicitly disclose the step of **"resolving the conflict includes discarding the changes."**

However, **Souder** discloses, **"resolving the conflict includes discarding the changes"** as if a conflict handler can resolve the conflict, then it either applies the LCR or it discards the change in the LCR (**Souder** Col 23, Lines 65-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

With respect to claim 10, **Nixon** does not explicitly teaches **"the method of claim 7 wherein resolving the conflict includes resolving multiple conflicts on an individual basis."**

However, **Souder** discloses **"the method of claim 7 wherein resolving the conflict includes resolving multiple conflicts on an individual basis"** as if users have a unique situation that the prebuilt conflict resolution handlers cannot resolve, then users can build custom conflict resolution handlers (**Souder** Col 13, Lines 43-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors according to what a particular user wants by performing automatic conflict detection, resolution and performing transformations.

5. Claims 2, 12 and 18 are rejected under 35 U.S.C 103(a) as being unpatentable over **Nixon et al.** (US PGPub No. 2003/0004952) as applied to claims 1, 3-4, 11, 13-14, 17 and 19-20 above in view of **Hester et al.** (**Hester** hereinafter) (U.S. Patent No. 5,884,075).

With respect to claim 2, **Nixon** does not explicitly teach **"the method of claim 1 further comprising checking the syntax and semantics of the active edit view before updating the configuration database."**

However, **Hester** discloses **"the method of claim 1 further comprising checking the syntax and semantics of the active edit view before updating the configuration database"** as the first pattern used to get the first

configuration consists of wild cards. That is, the CRE asks a device for the first resource combination, without imposing constraints. The configuration's first resource type is then checked for conflict. If none exists, the pattern is updated. The CRE requests the next resource combination by fetching the next resource combination. When the current resource type to be checked conflicts, the exclude mask is updated. The CRE first fetches the next resource combination that avoids the conflicting resource. When no more valid resource combinations are obtained, the device cannot configure without other devices reconfiguring; a conflict must be resolved (**Hester** Col 8, Lines 20-31). Therefore this reference is checking for the conflicts in resource configuration/syntax and semantics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Hester's** teaching would have allowed **Nixon** to resolve conflicts by excluding or including devices, which arise conflicts by the addition of a new or unconfigured device to a computer system having one or more system resources.

Claims 12 and 18 are same as claim 2 except they set forth the claimed invention as a computer program product and a system and are rejected for the same reasons as applied hereinabove.

Response to Arguments

6. Applicant's arguments filed 10/05/2006 have been fully considered but they are not persuasive.

Applicant argues that Nixon does not teach **"updating an active edit view to include configuration changes of a single independent edit view" and "updating a configuration database that stores the configuration file, according to the configuration changes in the active edit view."**

In response to the preceding arguments, Examiner respectfully submits that **Nixon** teaches **"updating an active edit view to include configuration changes of a single independent edit view"** as changed data can be uploaded to the master configuration database 30 via the communication link 16 to assure that other users have access to the changed data via the master configuration database 30 (**Nixon** Paragraph 0040). Examiner interprets that configuration/master database is same as active edit view since active edit view is stored in configuration/master database to store the changes. The changed data is being uploaded from the changes made in the briefcase database.

Further figure 3 teaches a briefcase database/independent view is connected to a configuration database server 120/active view, which communicates with the main site, and the main site contains the master configuration database (**Nixon** Paragraph 0051). This database server automatically detects/updates changes to an item within the configuration database.

"updating a configuration database that stores the configuration file, according to the configuration changes in the active edit view" as changed data can be uploaded to the master configuration database 30 via the communication link 16 to assure that other users have access to the changed data via the master configuration database 30 (**Nixon** Paragraph 0040).

Further applicant argues that the combination of Nixon and Souder is improper because there is no motivation to combine.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Souder's** teaching would have allowed **Nixon** to share the information between two different databases and resolve any errors by performing automatic conflict detection, resolution and performing transformations.

Further applicant argues that **Nixon and Souder** do not teach **"identifying a conflict between an independent edit view and the list of changes" and wherein a conflict includes a modification to an element included in both the list of changes and the independent edit view."**

In response to the preceding arguments, Examiner respectfully submits that **Nixon** teaches "independent views" as user at a site or zone are more likely to view, use and change the configuration data of that site or zone rather than of a different site or zone (**Nixon** Paragraph 0067) and "list of changes" as the remote site updates the configuration database to reflect the changes already made to the remote site (**Nixon** Paragraph 0009).

Examiner combined Souder for the "conflict and modification to an element included in both the list of changes and the independent view." Souder teaches, **"conflict and modification to an element included in both the list of changes and the independent view"** as typically, a conflict results when the same row in the source database and destination database is changed at approximately the same time (**Souder** Col 13, Lines 34-36).

Further Souder's source database could be interpreted as an independent view and the destination database as containing list of changes. Therefore the reference teaches that the conflicts are caused by a modification/change to both source database/independent view and destination database/list of changes.

Further applicant argues that the combination of Nixon and Hester is improper because there is no motivation to combine.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because **Hester's** teaching would have allowed **Nixon** to resolve conflicts by excluding or including devices, which arise conflicts by the addition of a new or unconfigured device to a computer system having one or more system resources.

Further applicant argues that Hester does not teach **"checking syntax and semantics of the active view before updating the configuration database."**

In response to the preceding arguments, Examiner respectfully submits that **Hester** teaches **"checking syntax and semantics of the active edit view**

before updating the configuration database" as the first pattern used to get the first configuration consists of wild cards. That is, the CRE asks a device for the first resource combination, without imposing constraints. The configuration's first resource type is then checked for conflict. If none exists, the pattern is updated. The CRE requests the next resource combination by fetching the next resource combination. When the current resource type to be checked conflicts, the exclude mask is updated. The CRE first fetches the next resource combination that avoids the conflicting resource. When no more valid resource combinations are obtained, the device cannot configure without other devices reconfiguring; a conflict must be resolved (**Hester** Col 8, Lines 20-31). Therefore this reference is checking for the conflicts in resource configuration/syntax and semantics.

Applicant describes the active edit view 32 includes a list of the changes and checks 108 the semantics of the configuration data. For example, the validation that any references to other objects in the configuration database are valid and defined.

Further Hester discloses in step 454, the function validates and initializes the configuration generator parameters. These parameters include the working configuration group and the working resource type.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usmaan Saeed whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Usmaan Saeed
Patent Examiner
Art Unit: 2166

Leslie Wong LW
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US
December 20, 2006

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER